

PLANNING COMMISSION MINUTES

Gardner, Kansas
Monday, February 13, 2006

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

I. Call to Order

Chairman Koranda called the meeting to order at 7:05 p.m. Commissioners present: Paul Kilgore, Greg Godwin, Eileen Mertz, Eric Schultz, and Jason Burnett. Commissioners absent: Dan Popp. Also present: Community Development Director Fred Sherman; Planner Erik Pollom; engineer for an applicant Victor Burks of Allenbrand-Drews & Associates, Inc.; applicants Philip DiVilbiss, Greg DiVilbiss, and Dan Kirk of Bristol Group XVI; and four interested citizens.

II. Approval of Minutes

Motion Kilgore, second Mertz, to approve the minutes of the January 23, 2006, meeting, with submitted corrections. Motion to Approve Carried: 6-0 Aye (Popp Absent)

III. Agenda Items

1. PDP-06-04

Conduct a public hearing and consider a revised Preliminary Development Plan for Prairiebrooke, a 42.5 acre tract of land for planned multi-family residential development, located on the north side of 175th Street, approximately ½ mile west of Waverly Road. The application is filed by Continental Real Estate, Inc.; with engineering services provided by Allenbrand-Drews & Associates, Inc. *This item is to be tabled to the next meeting.*

1. **APPLICANT:** The applicant is Continental Real Estates, Inc.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests preliminary development plan approval for a tract of land containing approximately 42.35 acres for planned multi-family residential development.
3. **LOCATION:** The property is located on the north side of 175th Street, ½ mile west of Waverly Road.
4. **EXISTING ZONING:** The property is zoned RP-3, Planned Garden Apartment District (Z-04-04).
5. **ANALYSIS:** The applicant has submitted a revised development plan that features a more even mix of triplexes and duplexes, but requires more time to make the requested changes to the building elevations.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission table consideration of the revised Preliminary Development Plan for Prairiebrooke (PDP-06-04), to the February 27, 2006, meeting.

Motion Mertz, second Schultz, to table the public hearing and consideration of the revised Preliminary Development Plan for Prairiebrooke, located at the north side of 175th Street, ½ mile west of Waverly Road (PDP-06-04), to the February 27, 2006, Planning Commission meeting. Motion to Table Carried: 6-0 Aye (Popp Absent)

2. PP-06-01

Consider a Preliminary Plat for Quail Meadows, a 39.39 acre single family residential development located on the south side of 167th Street, ¼ mile west of Waverly Road. The application is filed by Spielbusch Corporation; with engineering services provided by Allenbrand-Drews & Associates, Inc.

Planner Pollom presented the staff report.

1. **APPLICANT:** The applicant is Spielbusch Corporation; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests preliminary plat approval for a 95 lot single family residential development on 39.39 acres.
3. **LOCATION:** The subject property is located south of 167th Street, ¼ mile west of Waverly Road.
4. **EXISTING ZONING:** The property is zoned R-1, Single Family Residential District, pending approval of Z-05-10 by the City Council.
5. **ANALYSIS OF THE APPLICATION:** The applicant requests preliminary plat approval for Quail Meadows, a 95 lot single family residential development. This development is intended to occur in two phases, with the north half developing in the first phase.
The preliminary plat identifies a tract of land (Tract A), which is entirely within the designated 100-year flood plain, and will likely be utilized for future development of the Kill Creek Greenway pedestrian trail system. The applicant is working with City staff on a potential City purchase of additional park ground outside the designated regulatory floodplain area. If additional land is purchased by the City of Gardner for development of a neighborhood park, a revised preliminary plat will be submitted for consideration at a later date.
The submitted preliminary plat denotes the general extent of the 100-year floodplain – based on anticipated changes to the area per the preliminary results of the Kill Creek Drainage Study being conducted by Johnson County. Additional engineering analysis will be needed prior to or concurrent with the approval of the final plats for this subject property to determine the actual extent of floodplain, and for determination of the need for state or federal regulatory approval procedures that might be required for any proposed grading and filling of the land area within the floodplain area. The subject property is located in the Gardner Service Area as identified on the Priority Growth Area Map of the Community Development Plan – 2003. All necessary road and utility improvements exist or are currently being extended and/or improved to serve this area.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Preliminary Plat for Quail Meadows (PP-06-01), with the following stipulation:
 - a. Prior to or concurrent with submittal of the final plat, preliminary storm water management data and proposed plans shall be submitted for any land elevation alterations or fill within the floodplain area as denoted in the Kill Creek Drainage Study.

Chairman Koranda invited comments from the commissioners. There were no comments from the commissioners.

Chairman Koranda asked where the potential pedestrian trail system would be located on the subject property. Planner Pollom and Director Sherman displayed and discussed a preliminary pedestrian railway plan and the Gardner Parks Master Plan.

Commissioner Godwin commented on the beauty of the subject property and the need to develop the land to its best advantage.

Motion Schultz, second Mertz, to approve the Preliminary Plat for Quail Meadows, located at on the south side of 167th Street, ¼ mile west of Waverly Road (PP-06-01), subject to staff recommendations:

- a) Prior to or concurrent with submittal of the final plat, preliminary storm water management data and proposed plans shall be submitted for any land elevation alterations or fill within the floodplain area as denoted in the Kill Creek Drainage Study.

Motion to Approve Carried: 6-0 Aye (Popp Absent)

3. FDP-06-02

Consider a revised Final Development Plan for Moonlight Commons, a 4.2 acre planned commercial development located on the northeast corner of the Lincoln Lane and Moonlight Road intersection. The application is filed by Bristol Partners XVI.

Planner Pollom presented the staff report.

1. **APPLICANT:** The applicant is Bristol Partners XVI.
2. **REQUESTED ACTION:** The applicant requests approval of a revised final development plan for a multi-tenant commercial retail building.
3. **LOCATION:** The property is located at the northeast corner of Moonlight Road and Lincoln Lane.
4. **EXISTING ZONING:** The property is currently zoned CP-2, Planned General Business District (Z-02-03).
5. **ANALYSIS:** The applicant requests approval of a revised site plan for Moonlight Commons, two commercial buildings containing 29,600 square feet of retail space with the potential for up to twenty individual tenant spaces. The proposed layout of buildings and parking remains largely unchanged from the approved final development plan, with one exception. The applicant wishes to place a drive-through window in the south wall of north building.
Proposed Drive-Through Window
This request is submitted by the owner on behalf of a potential tenant of the southernmost tenant space of the north building. Latte-Tudes, a gourmet coffee and sandwich shop, is proposed for the south end of the building and has submitted tenant finish plans for that space. The tenant wishes to construct a drive-through window in the south wall, using the space between the two buildings for vehicle turn-arounds.
This item was before the Planning Commission for consideration at the January 9, 2006, meeting. That request included an order board to be placed at the south end of the parking area along the front of the building. Major concerns raised at that meeting included the potential blocking of the drive lane and entrance from Moonlight Road due to insufficient stacking space behind the order board, and possible conflicts with pedestrians walking between the two buildings.
Based upon the Planning Commission's discussion, the applicant has re-submitted their plans without an order board. The new layout shows a total stacking space of four vehicles from the window to the drive lane, a bollard to protect the window, and a canopy over the window.
Stacking and Traffic Flow
Traffic would proceed from three different directions to the window, and then use the space between the north and south buildings to turn around or travel behind the southern building to exit the site. While the previous version of the development plan required customers to stop at an order board with only one to two cars of stacking space, the removal of the order board would provide stacking space for at least four cars, roughly equal to the vehicle stacking space at the existing Central National Bank drive-through on the south end of the south building in this plan.
6. **STAFF RECOMMENDATION:** Staff recommends approval of the revised final development plan for the Moonlight Commons (FDP-06-02).

Chairman Koranda invited questions from the commissioners. There were no questions from the commissioners.

Chairman Koranda invited comments from the applicant.

Philip DiVilbiss of Bristol Group XVI discussed his original plans to place a drive-thru window at the proposed location, and his commitments to his existing and potential tenants. He stated that he had limited the size of the north building specifically to allow space for the proposed drive-thru business. Mr. DiVilbiss explained his plans to place signs that would prohibit vehicular stacking onto Moonlight Road and also direct traffic flow within the development. He added that, should the proposed coffee shop vacate the location, he would very strictly limit any other drive-thru service business that might consider that location.

Jeff Price of Latte-Tudes, the potential business for the subject location, gave a presentation comparing his proposed business at that location versus the Starbucks drive-thru business in Olathe. He also briefly noted typical stacking numbers at several other locations of similar businesses, such as Kansas City Coffee and Jitters.

Chairman Koranda and Mr. DiVilbiss discussed the population numbers served by the Starbucks business and the potential numbers served by the proposed business.

Mr. DiVilbiss discussed the proposed turn-around area, which would be posted as a no parking area, and directional signage to aid traffic flow.

Chairman Koranda, Mr. Price, and Director Sherman briefly discussed the potential need for an order board at some time in the future. Mr. Price discussed the potential

numbers of drive-thru customers at his proposed business and at previously mentioned similar businesses; and average order service times. Commissioner Schultz asked if placement of an order board would enhance the timely processing of the drive-thru orders, and Mr. Price stated that it could speed the order processing and traffic flow. Commissioner Kilgore asked what items could be ordered and served through the proposed drive-thru window. Mr. Price explained that his business would provide basic lunch sandwiches, salads, and drinks. He stated that he expected most of the lunch business to be sit down customers, with very few lunch orders being served through the drive-thru window.

Commissioners Kilgore and Godwin and Mr. DiVilbiss discussed potential traffic stacking areas and the hours of operation of adjoining businesses.

Commissioner Godwin stated his concerns regarding the proposed drive-thru window location:

- while the placement of the window at the rear of the building was an improvement over the previous proposal, an addition of an order board would also speed up the ordering process;
- the possibility of traffic stacking onto Moonlight Road and the need for directional signage to be posted and painted on the pavement to direct stacking traffic and exiting vehicles;
- the hazard to pedestrian safety on the designated walkway between the buildings, and the need for a barrier between the north building and its corner post to prevent pedestrians from stepping in front of vehicles pulling up to the order window; and
- the need for vehicles leaving the window to utilize the turn-around rather than the alleyway behind the southern building.

Commissioner Mertz stated that the applicants' previously expressed commitment to their potential tenant to provide a drive-thru window was not pertinent to the commissions' consideration, and disagreed with Mr. DiVilbiss' statement regarding his original intention to provide a drive-thru window in the subject location. She noted that the space between the two buildings was originally intended for delivery truck traffic access to the rear of the southern building. She expressed her approval of Mr. Price's business proposal, and commended him on his informational presentation before the commission. Commissioner Mertz stated her overall disapproval of the submitted plan and stated her concerns regarding the proposed drive-thru window:

- vehicle stacking blocking internal traffic flow;
- traffic congestion caused by turn-around area, and exiting traffic should go behind the south building;
- an order board should be utilized to speed order service and traffic flow; and
- estimated customer numbers and traffic situations are not really comparable to similar metro area businesses.

She added that she did not have any concerns regarding pedestrian safety because the drive-thru vehicles would be moving so slowly.

Mr. DiVilbiss strongly protested Commissioner Mertz' statements regarding his stated original plans to provide a drive-thru service business at the subject location, and defended the truthfulness of his statements about his original development plans.

Chairman Koranda thanked Mr. Price for his presentation of estimated traffic and customer numbers.

Commissioner Godwin discussed potential pedestrian walkway hazards relative to the proposed drive-thru and turn-around area. He pointed out that vehicles quickly approaching the order window might not be able to see pedestrians stepping from between the corner post and the building in time to avoid them.

Chairman Koranda asked if the conditional use permit process could be utilized to allow the proposed plan and business, with specific limitations and controls.

Director Sherman briefly discussed the difficulties of administering and enforcing conditional use permits. He added that the proposed use, a restaurant, was an allowed use by right in the subject property's zoning district.

Planner Pollom, Director Sherman, Chairman Koranda, Mr. Price, and Mr. DiVilbiss discussed the exact location of the proposed window, which they agreed would be in the masonry block area of the south wall of the subject building. Mr. Price clarified that he had submitted construction plans for a drive-thru window in the glass area of the south wall, but the revised development plan before the commission indicated the drive-thru window in the masonry wall.

Mr. Price and Mr. DiVilbiss expressed their strong preferences for the drive-thru window to be located in the glass area of the south wall for several reasons, such as the existing submitted construction plans, lower costs of placement, original construction designs, etc.

Mr. DiVilbiss clarified that the City had requested that the drive lane behind the south building would be a southbound one-way drive, and it would be posted as such. He briefly described the traffic flow signs he would place within the development.

Chairman Koranda stated that he would be comfortable with the drive-thru window located in the glass area of the wall.

Commissioner Kilgore suggested that an order board could speed up order processing and traffic flow at a drive-thru window in the glass area, and a secondary pickup window in the masonry area could be utilized for slower or waiting orders.

The commissioners and Mr. DiVilbiss discussed the best possible placement of an order board to speed order processing and traffic flow.

Commissioner Mertz pointed out that the commission had previously denied a proposed order board and drive-thru window at the subject location. Chairman Koranda suggested that the difference between the previous proposal and what the commission was now discussing was the location of the order board and window.

Chairman Koranda suggested that, while the application before the commission was for a drive-thru window in the masonry wall of the subject building, staff and the applicant would be comfortable with the window being placed in the glass area of the south wall.

Commissioner Godwin stated that any proposed menu order board would need to be located an appropriate distance from a pickup window to accommodate sufficient vehicle stacking.

Commissioner Burnett stated that he would prefer placement of the drive-thru window in the masonry area of the wall and room for at least four-vehicle stacking to approve the development plan.

Commissioner Mertz stated that she saw no significant improvement over the previous plan proposal that the commission denied.

Chairman Koranda called a five minutes recess at 9:10 p.m.

Chairman Koranda recalled the meeting to order at 9:15 p.m.

Commissioner Schultz asked how the potential tenant's business time frame would be impacted if the development plan was approved with a drive-thru window in the masonry wall, instead of in the glass area where his submitted construction plans indicated. Mr. DiVilbiss suggested that redesigning the construction plans and resubmitting the plans for review and approval could extend the overall construction time period into September or October for final completion.

Motion Godwin, second Burnett, to approve the revised Final Development Plan for Moonlight Commons, located on the northeast corner of the Moonlight Road and Lincoln Lane intersection (FDP-06-02), with conditions:

- a. The drive-thru window shall be placed in the masonry block portion of the southern wall of the north building of the subject property.
- b. A pedestrian barrier shall be placed between the southwest corner of the southern wall and the front pillar west of the corner to redirect pedestrian traffic around the pillar.
- c. Pavement stripping shall be installed and maintained to direct stacking traffic to the southbound lane of the north section of the internal parking area.
- d. A "Stop" sign and a "Do Not Block Intersection" sign shall be installed at the intersection of the internal southbound lane of the north section of the parking area and the entrance from Moonlight Road.
- e. A "One Way Only" sign and a "Do Not Enter" sign shall be installed at the south end of the service drive behind the south building of the subject property.
- f. "No Parking" signs shall be installed on the north side of the south building, in the designated turn-around area.

Chairman Koranda invited discussion on the motion from the commissioners.

Commissioner Mertz asked where the pedestrian traffic would be directed. Director Sherman explained that the area would require curb and pavement modifications to redirect the existing designated walkway around the pillar.

Mr. DiVilbiss requested that an order board placement be added to the development plan approval request and action.

Commissioner Godwin amended his motion to include an additional condition of approval:

- g. An order board may be installed in the general area of the center window of the western most window arch of the glass area of the south wall, but specifically not on the southwest pillar or on the masonry portion of the southwest corner of the building.

Motion to Approve Carried: 5 to 1 Aye

(Kilgore, Godwin, Koranda, Schultz, Burnett – Aye; Mertz – Nay; Popp – Absent)

IV. Discussion Items

1. Gardner Development Trends Update

Discuss Gardner area development trends.

Director Sherman displayed and discussed historical and forecast statistics of new residential construction in Gardner and the greater metro area.

V. Adjourn

Motion Schultz, second Kilgore, to adjourn the meeting at 10:05 p.m.

Motion to Adjourn Carried: 6 to 0 Aye (Popp Absent)

Cindy Weeks, Planning Service Specialist
Community Development Department

ATTENDEES

of the

2-13

, 2006

PLANNING COMMISSION MEETING

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